

REMARKS

In the Office Action dated May 27, 2003, the Examiner rejected all pending claims.

Applicant has amended the claims by incorporating subject matter previously found in claim 38 into claim 33. It is submitted that the pending claims are now allowable over the prior art.

In the Office Action, the Examiner acknowledged that the primary piece of prior art lacks a first longitudinal section being formed as one piece with the rotor. As noted in the previous office action, the Examiner must not only find the various elements of the claim in the prior art - the Examiner must also either demonstrate that there are teachings in those references which suggest their combination, or cite to knowledge generally known in the art which would suggest their combination. The Office Action does neither. Rather, it merely cites certain aspects of three references and states that it would be obvious to combine them. This is a conclusion - not a teaching.

The Court of Appeals for the Federal Circuit has repeatedly rejected the simple assertion that it would be obvious to combine multiple references without some teaching for the combination.

See W.L.Gore & Assocs., Inc. v. Garlock, Inc. 721 F.2d 1540, 1553, 220 U.S.P.Q. 303, 312-13 (Fed. Cir. 1993) (“To imbue one of ordinary skill in the art with knowledge of the invention in suit, when no prior art reference or references of record convey or suggest that knowledge, is to fall victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teaches.”) Skill in the art does not act as a bridge over gaps in substantive presentation of an obviousness case, but instead supplies the primary guarantee of objectivity in the process.” *Al-Site Corp. v. VSI International, Inc.*, 50 U.S.P.Q.2d 1161, 1171 (Fed. Cir.

1999).

In the present case, no teaching has been advanced, either from the references themselves or from general knowledge which suggests combining the elements of the pieces of prior art relied upon by the Examiner while disregarding the remaining teachings of the prior art. To the contrary the differing fields of use for the devices suggests that each was formed the way it was to provide it with certain properties. Nothing suggests that one can or would chose the rotor from one, the drive from another and the material of yet another.

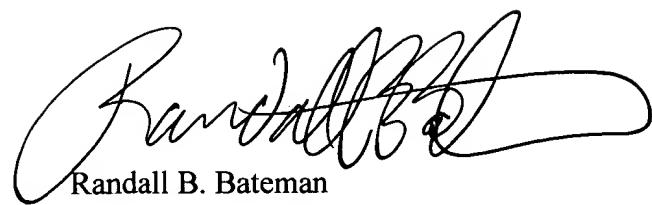
Brucken purportedly discloses a metalic drive shaft integral with a rotor. Based on Applicant's view of the prior art, it would seem difficult if not impossible to form such a rotor from plastic. Thus, it would not be obvious to combine Lindberg and Brucken. Furthermore, Otto teaches to use an additional drive element in combination with the rotor comprising plastic and one piece.

There is simply nothing in the prior art which teaches or suggests combining these three references so to form a device which would read on the claim. Therefore, claim 33 is allowable over the prior art. All of the remaining claims depend from claim 33 and are therefore allowable.

It is believed that the application is in condition for allowance. Should the Examiner determine that adverse action is necessary, it is requested that he contact Applicant's attorney, Randall B. Bateman, at (801) 539-1900 so that such matters may be resolved as expeditiously as possible. The Commissioner is hereby authorized to charge any amounts owing or to credit any overpayment to Account No. 502720.

Respectfully Submitted,

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